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### FACSIMILE COVER SHEET

RECEIVED

10 JAN 2002

Legal Staff  
International Division

Date: January 9, 2002

To: Mrs. Karen Williams

Fax No.: (703) 305-3230

Confirmation No. 6107

From: Warren M. Cheek, Jr.

Number of pages being transmitted, including this cover sheet: 7

Please direct all questions concerning the transmittal of these pages to Donna King.

RE: Serial No. 09/831,622 (Hiromu SUGINO ), filed May 11, 2001

#### MESSAGE:

Enclosed please find a Response, copy of Executed Declaration along with copy of PTO Notice.

#### CONFIDENTIALITY NOTICE

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*Celebrating Our 80<sup>th</sup> Year*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Hiromu SUGINO : Attn: BOX PCT  
Serial No. 09/831,622 : Docket No. 2001\_0559A  
Filed May 11, 2001 : Confirmation No. 6107

NOVEL PROTEIN AND UTILIZATION THEREOF  
[Corresponding to PCT/JP99/06275  
Filed November 11, 1999]

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**RESPONSE**

Assistant Commissioner for Patents,  
Washington, DC 20231

Sir:

This is responsive to the Notification of Defective Response dated December 18, 2001.

The Notification indicates that the Oath or Declaration previously filed was not in compliance with PTO rules.

The undersigned spoke with Mrs. Karen Williams on January 8, 2002. The basis of the PTO position is that the spelling of the first name of the inventor on the executed Declaration, "Hiromu" is different from the spelling of the first name of the first inventor in the international application papers, "Hiroshi".

Please be advised that the correct spelling of the first name of the first inventor is "Hiromu", as indicated in the executed Declaration previously filed. The spelling of the first name of the first inventor was incorrect in the international application papers. The PTO is respectfully requested to use the correct spelling of the inventor's name in the PTO records, as shown on the

executed Declaration submitted concurrently herewith. The PTO is respectfully requested to disregard the spelling error in the first name of the first inventor which appears in the international application papers.

Respectfully submitted,

Hiromu SUGINO

By

Warren M. Cheek, Jr.

Registration No. 33,367

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January 9, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.	
<u>Donna L. King</u> Signature	<u>Donna L. King</u> Name of person signing certification
	<u>January 9, 2002</u> Date



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20531  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/831,622	Hiromu Sugino	2001-0559A

INTERNATIONAL APPLICATION NO.	
PCT/JP99/06275	
I.A. FILING DATE	PRIORITY DATE
11/11/1999	11/13/1998

00513  
WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

CONFIRMATION NO. 6107  
371 FORMALITIES LETTER

11/11/1999 11/13/1998  
\*OC000000007206516\*

Date Mailed: 12/18/2001

**NOTIFICATION OF DEFECTIVE RESPONSE**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Search Report
- English Translation of the IA
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments

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DEC 26 2001

WENDEROTH, LIND &amp; PONACK

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - does not identify the inventor.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the long r. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum f six months.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/831,622	PCT/JP99/06275	2001-0559A

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

TX/RX NO	9420
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RESULT	OK